

TOWN OF CHATHAM
488 State Route 295, Chatham, NY 12037

Town Board Meeting Minutes
Thursday, August 17, 2023 @ 6:30PM

This Meeting is IN PERSON (Town Hall) For Board Members With the Exception of the
Occurrence of Extraordinary Circumstances

IN PERSON and VIRTUAL for the Public

Google Meet: meet.google.com/tqz-efzm-xbh Join By Phone: (US) +1 224-814-1308 PIN: 632 413 079#

➤ **PRESENT**

Supervisor Donal Collins, Councilmembers Vance Pitkin, Abi Mesick, Destiny Hallenbeck, Rick Werwaiss, CAATS Tammy Shaw, Highway Superintendent Jeff Antalek, Town Attorney Tal Rappleyea, Town Clerk Beth Anne Rippel and members of the Dirt Road Coalition, Hartigan Road residents. .

➤ **RECORDING NOTICE**

➤ **CALL TO ORDER**

Supervisor Collins called the meeting to order and led the pledge of allegiance

➤ **SPECIAL GUESTS: NYSP, OGS-State Police Barracks Construction**

Originally Collins was going to give NYS Police some of our parking lot for their use while under construction but a few TB members objected. Capt Litardo presented a new layout. Project initially started but COVID delayed. Proposals to put trailers and staging cars up on top. Collins - their concern was the duration and number of vehicles. Hallenbeck- long term parking will kill the lawn. Mesick-would someone go in and do clearing? Litardo-yes. Mesick-suggested alternative spots to park up the road. Werwaiss-what is move in date? Litardo -2025. Hallenbeck- not in love with this but it's better than the initial staging plan.. Werwaiss-this is a major improvement but he doesn't know what they are doing for landscaping but they should give some extra landscaping to the TH. Collins-PB site plan review was needed as per Gabriella and she's still waiting for a site plan. Pitkin- how long before the construction trailer is moved? Litardo- It will be here for the duration. MOTION by Collins second Hallenbeck to accept the new layout. Motion carried.

Construction will only happen on weekdays. Mesick - will there be signage? PB will review this. Amend the MOTION to include a review by the PB. made by Collins, second by Werwaiss and carried.

Litardo-some of these things were hashed out years ago.

➤ **SPECIAL GUEST: North Chatham Fire Chief Al Gawron**

Mr. Gawron has heard people say that their particular fire departments have plenty of volunteers. This is not true for North Chatham. NC has 8 active members, 2 ready but the others are rookies in training. They cover 30 square miles made up mostly of weekenders. It takes 186 hours of basic training to become a firefighter. That is the same training NYC professional firefighters go through, NC is all volunteers. There are so many mandates on volunteers. Werwaiss-what can TB do to be helpful? Is there anything the legislature could do? Gawron-there is an income tax exemption of \$200/firefighter. Collins- now we have to get the school districts to follow suit. Werwaiss- is there money that the firefighters have to spend? Gawron said yes, they have spent their own money. They've donated their own money to keep the organization moving. They need help, officers, firefighters, a person to mow the lawn, anything to help out. Someone asked about grants. Gawron responded that it's unbelievable what they have to do to get a grant. The \$5000.00 ARPA money was a godsend. NC is a fire district, they are a tax district. The fire company does the operation of the equipment and the rest of the operation is done by the district. Collins asked everyone to spread the word and help out. spread the word and help out. John Breault suggested fire police, the training is only a few hours. "I don't have time" really doesn't help added Gawron

Werwaiss- when did we drop the public comment at the beginning of the meeting? He would never have agreed to that. Collins said that it was changed at a prior meeting. People wanted to first listen to the material being presented then comment on it. Werwaiss said he wouldn't have agreed with changing public comment. Collins mentioned that Werwaiss may not have been in attendance.

A large group of Old Chatham residents spoke about speeding on Albany Turnpike and the OC hamlet. . Asking for prevention measures. Collins has spoken to the police about increasing their presence. Joanne Nard wants speed bumps. Rappleyea explained that we have to go to DOT to reduce speed limits. Collins- we'll act on your request. Rappleyea- other municipalities have more power than we do. We don;t have the population to be granted the authority as a town in the 2nd class to make these changes. Pitkin-commented on the speeding problem. Werwaiss-I think the TB has heard you and the TB will apply to DOT for speed reduction. Hallenbeck -what we can do is create the resolution to the County and to the state. Mesick-it might be a good idea if people in hamlet have someone to come to meetings with their concerns and traffic calming ideas. There are a bunch of little things..

Doug-when the new highway super is appointed would TB be able to exercise oversight? Rappletea-No. Angus-who is incharge when Jeff leaves. Collins -Ike Odell
Some towns have appointed highway superintendents, not elected and they feel they have much better control over the roads. The TB gets to set the requirements.

Mesick- it looks like the TB wants to politicize the highway superintendent and micro- management.

➤ MOTION TO CLOSE MEETING

Adjourn at 10:35 a MOTION by DH , seconded by RW Motion carried.

A large group of residents were in attendance to address the proposed paving of Hartigan road. Gail Day-a member of the dirt road coalition read from a prepared statement. Dirt roads are an underappreciated asset by the TB although the rural character is greatly appreciated by town residents. The Comp. Plan survey indicated strong support for maintaining gravel roads. Highway and TB have failed to plan ahead. The Board needs to adopt a policy. It is inappropriate to poll property owners along a given stretch of road. The roads belong to all residents. A “coherent” road policy on gravel road management would address this

Collins-thank you.

Eric Ooms -commented on dirt roads. His road is dangerous. Town has been down Hartigan ½ dozen times to fix things . Makes more sense to pave, we have to rethink our position. There are 300 to 400 cars/days on this road. We have to move on. Change is constant, you don’t have to like it. There are 6 houses on Hartigan and the people who live on the road have to endure the dust. The road has deteriorated over the years. It becomes slippery. The edges of the road have eroded. It’s sad to lose the quiet dirt road but you have to actually live there in all types of weather a resident shared.

Katherine Joy Ooms- Hartigan road is dangerous, We just want signs posted and to have a safer road.

Kathy LaPlante has lived on the road for 50 years. It all changed in the late 90s, now it's a thoroughfare. It's time to do something. She wants the driveway to be level with the road. What about all the other driveways.? She regrets having to pave but it's time.

Jenna Dodge-loves dirt roads- she recognizes that we’re going through a shift towards a kind of a hyper-suburban environment in the area and she appreciates the struggle. We are changing. Speeding is only increasing. There is a common thread- our roads are not safe anymore. We are doing nothing about traffic related concerns. Look at traffic calming measures. Prevent problems before they start.

Doug Welch-has made peace with the dust on his road. He commended Jeff Altalek , he did a good job with the new lateral he put down on the road. There are other mitigating ways of dealing with this issue that don’t involve paving. .

Heather Uhlar-to the Board: when you ran for office you all said that everyone really cared about preserving the dirt roads. Every time a dirt road is paved we lose a little bit of what

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makes Chatham Chatham. If it's partially paved now then it will eventually all be paved. Instead of using CHIPS money let's investigate what other materials we can use which will hold up for 10 years. We need to think about this.

Someone suggested there should be a “no thru traffic” sign on Hartigan. More signs on the roads to take dirt roads with respect. Let the “guests” know how to behave when they’re in our Town. Redirect traffic to the main roads. Understand the “etiquette” while traveling on our roads.

➤ **ANNOUNCEMENTS:**

1. Crellin Park Day, August 19, 2023
2. Red Rock Fire Department Pasta Night
3. See Vance at the Columbia County Fair
4. PS21 ANIMA Events (CSATF)

➤ **CORRESPONDENCE:**

- | | |
|--------------------|------------------------------------|
| 1. Rock City Road | Re: STR Draft |
| 2. Phelps Road | Re: Grading |
| 3. Ridgeview Drive | Re: Crestview Drive STR |
| 4. Thomas Road | Re: Hartigan Road Resurfacing |
| 5. Ridgeview Drive | Re: Crestview Drive STR |
| 6. Route 66 | Re: 5G Health Concerns/Cell Towers |

Werwaiss asked- has the Town responded to Mr. Staley on Crestview Road yet? Collins-yes. The Building Dept has yet to make a determination.

➤ **SUB-COMMITTEE REPORTS:**

1. Broadband Committee- (Councilman Pitkin/Councilwoman Hallenbeck)
Hallenbeck-they didn’t meet. State has a new Connect All initiative.
2. CAP (Chatham Agricultural Partnership)- (Supervisor Collins)
Updating the 2009 Ag Protection Plan working on their goals.
3. Climate Smart/Action Task Force Committee- (Councilman Werwaiss)
Werwaiss asked Co-Chair Deborah Conrad to tell everyone where we are going with photoVoltaics for the highway garage. Street lights converting to led. Dark skies initiative. Options with street lighting districts, energy consumption and dark skies. Climate Change Resilience Plan.

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4. Communications Committee- (Councilwoman Mesick)
Working on a protocol.
5. Comprehensive Plan Update Review Committee- (Councilwoman Mesick)
Met at Tri Village on the updated version. Scheduling a meeting next week to go through the comments they gathered at the meeting and to see if the comments should be incorporated into the Plan. Speeding is a problem everywhere and it doesn't matter the road surface. Collins has asked Sheriffs for more patrols.
6. Finance & Planning Committee- (Supervisor Collins)
Didn't meet. Addressing a large potential capital project meeting over at the highway garage.
7. Housing Committee- (Councilwoman Hallenbeck/Councilwoman Mesick)
They didn't meet. Meet in September at the town hall.
8. Parks & Recreation Committee- (Councilman Pitkin/Supervisor Collins)
Focusing on Park Day. The best ever. West and Collins met with DEC on natural ways to get rid of invasives and help with the pond. CC Soil and Water is going to commit some money to extend our aeration system.
9. Grants Appropriations Committee (Councilman Werwaiss)
They haven't met. A couple things in the works have added fire departments. Sept. 14 getting together with the ZBA, PB, Building to talk about what it's going to take to submit a grant to NYS to digitize their records. We can use New Lebanon as a template. Collins- we did not get the grant that we had applied for for speeding devices for general traffic safety.
10. CAC (Councilman Werwaiss)
On hiatus until after the community preservation fund.
11. Invasive Species Awareness Committee (Councilwoman Mesick)
Met at Crellin Park which has many invasives. They have a great group. Torango crab is taking over our fallow fields. It's a plague really causing a problem. Plan is to pick out 4 or 5 of the most prevalent in the Town and highlight the tree of heaven we may be able to control if we're diligent. We're focusing on honeysuckle, barbary, fragmite and bittersweet. on the website. We have room for a few more people on the Committee.
12. Town & County (Supervisor Collins) lengthy report on file.

➤ **REPORTS ON FILE:**

1. Assessor
2. Code Enforcement/Building Inspector -on file
3. Dog Control
4. Environmental Mgt Council
5. Finance Department on file
6. Highway Department-on file

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7. Justice Court
8. Office of the Aging Advisory Board
9. Recreation Director-on file
10. Supervisor's Report-on file
11. Town Clerk-on file

➤ **NEW BUSINESS:**

1. Speed Limit on Hanley Road-wanted to give the Town Board the first look. Resolution at the next meeting.

➤ **OLD BUSINESS:**

1. Paving Process

- Previous

- Highway Superintendent provides 284 Agreement at TB Meeting
 - Detailing roads/mileage/expense
 - Posted in Meeting Agenda
- Town Board Votes on 284 at a Town Board Meeting

- Discussed

- Highway Superintendent provides 284 Agreement
 - Detailing roads/mileage/expense/surface
 - Posted in meeting agenda
- Public is further notified of 284 and details (Email Blast, Social Media)
- Town Board Votes At Subsequent TB Meeting
 - Posted in meeting agenda

Protocol in pg 23 of comp plan. Hallenbeck wants to amend. If we are discussing paving. Propose holding a PH dedicated to the 284 agreement. We don't vote until we have a chance to sit on the public comment. Community deserves that. We hear you. Mesick-sounds pretty good ,similar to what the new protocol means. In certain instances requesting highway super would work in conjunction with the tb we need . Further suggestions. Shaw-if highway super brings a 284 to the Board it's only good for 30 days. Collins-where she/he sees the priorities.Werwaiss supports Hallenbeck.

2. Hartigan Road Resurfacing

Werwaiss-Communications really worked. Is there a deadline to spend the money? Collins-we were advised not to roll over CHIPS money. Werwaiss- We don't have any business paving the road until we have looked at all other avenues. Werwaiss suggests no through traffic, weight

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limits. This paving is wildly premature. Direct the traffic to the paved roads. Mesick asked where do the weight limits start. Werwaiss-let's discuss it. We haven't talked about getting much better gravel. Mesick-dust that comes off dirt roads is particulate matter that covers roadside vegetation, goes into streams affecting fish and, she loves dirt roads but there's much more than aesthetics. Some stuff that works better than calcium is much worse. Hallenbeck- we should push the motion. Collins- Hartigan has been historically problematic. Terrible sink on our resources and this road is a real problem. Resurfacing needs to be done. Pitkin-traffic study done-17 days 309 cars/day. Highest on Tuesday at 409 cars. Lowest on Tuesday. . 200 cars/day where the maintenance cost becomes exponentially higher after the first 200 cars. Traffic study compiled by Cornell. We should have metrics in place to decide when to pave them. We can post a speed limit sign on it if it's paved as you can't with a dirt road. Werwaiss-we have to plan on how to take care of dirt roads. We have never explored the options in between. We can take our time and think we can delay the vote. No reason why this can't be delayed. Mesick-we need to be aware that there are so many people who can't afford to live here. If there's that much traffic, we try to save that road. At what point do we continue to tax our residents to save one road? Maybe we need to look at the roads report, get some people to look at it and start prioritizing the roads. Pitkin- is a dirt road guy- no agenda to see all the roads paved, the numbers are driving the paving, it's facts and figures. Werwaiss- wants to investigate other options. Pitkin-What is the benefit to the taxpayers of the Town of Chatham .Kathy LaPlant-Hartigan was doomed when they put the bridges in. Hallenebeck-thank you Gail for bringing this forward she will review it. Werwaiss-believes that Gail is right, roads belong to all of us.

3. Short Term Rental Regulation

Had some comments. There are areas of concern and we'd like to move ahead on regulating and defining. Get Abis answer from AOT- Propose adopt a STR that has permits so we can revoke and suspend them. Strengthen the penalties. 2 strikes and you're out. We need to rely on our Code enforcement officers. We need to pass a law, a stand alone law. We need something to start with. Hallenebeck-asked Tal to look into the residency requirements. Werwaiss-pause now to get it right. Collins- no resolution tonight. Werwaiss-Abi's law is not enforceable. What is the largest fine a muni can lay on someone. Tal \$1000.00/day as a misdemeanor. Pitkin-told Rick that his view is adversarial. Need to embrace STR; it's the only thing that keeps the tourist industry going or they'll be suffering badly. Hesitates to go forward until we have a starting fee. Tal-if you have a law you can change fees by resolution. Collins -county average is 300/night for STR. Pitkin-Number of occupants he's more comfortable with max occupancy of 2 guests per bedroom. Unintended consequences of punishing people who have done a great job. Avoid

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punishing 99% for a couple of bad apples. Limit the number of rentals per property. It's probably as good as we can get and it's not perfect. The good neighbor should be emailed or texted. Werwaiss-5 % rentals in CA actually register. Put more teeth into STR, understand the importance of STR to the local economy. Problem is what's happening in one of our neighborhoods. Not looking to slam the door on STR. Collins-help with compliance with Granicus and more money in the budget for CEO, Get something defined and with local accountability in it. Threshold for guests in hamlet. Clearly defined and regulated. Support our building dept. .

4. Housing Potential on Town Property -Hallenbeck Hasn't moved on that yet.
5. Peddlers Permit- more detail needed. Draft by next meeting

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➤ **PUBLIC COMMENT**

Lisa -Bashford Rd.-doesn't feel that any of the TB members are strongly one way or the other, they just want to do what's best for the Town. In her research she found that paving was more expensive than gravel over a 20 year period. She wanted to mention the study. Municipalities are going to do this because of the costs. She understands that you have to consider the taxpayers.

Mackerer - is a dirt road guy, he's emotional but being practical too. We're so caught up in the emotion but we're talking about spending \$100,000.00 to pave a road, what are the details ? Speaking to Werwaiss-so, if the roads belong to everyone in the town how do we stop the thru traffic? I'm a taxpayer and I want to use that road. Werwaiss-we make decisions that benefit all or part of the Town, not everything we do as a Board benefits everybody every time. It's not that simple, we don't have people advocating to pave the road. We have people saying please "stop". Tim- it's everyone's right to use the road. Sympathetic to both sides. What is the Board's process on how a road is treated? We have no idea if the decisions made by the TB and Highway are the right thing to do. There are lots of solutions in this country, others are much more creative than the approach that has existed in the Town of Chatham. If you want people to be sympathetic to a point of view, with an election coming up, we have to think that you are looking at this in a way that is creative.

Spencer-It sounds like the Board hasn't read the roads document that was drafted in 2017. There are specific details on lots of things that can be done. You should look at it carefully, it can benefit the Town. It's a missed opportunity and there are great ideas. Mark Frederick-Canaan resident- TB has an opportunity to develop a policy for dirt roads for their own use as well as for future use by other towns in the County

Ken Blass-is here to talk about STRs, not only what's already here but what is coming. Concerned about a neighboring property which was sold and is to be used specifically for STR. It will ruin their community.Neighbors spoke in opposition to the possibility of having another STR next door as the current winery has expanded causing issues with residents in the area. Discussion continued regarding what should be done to regulate STRs. He is behind the TBs passing a STR law as soon as possible. Stop things like what he knows

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is coming. The law should disallow multiple STRs and restrict purchasing a property expressly for STR purposes.

Gabriella-when we did the site plan review we put restrictions on noise, no amplified music but it doesn't mean that they will observe it. We can not put restrictions on a private home
Jim O'Keefe-shares Ken's concerns: we live next door to a bar now. He wants to see more controls.

Kate wants to bring in a lodging tax

Rappleyea-state doesn't allow us to tax if we don't get their permission. It has to go through the legislature.

Ken-do something fast to stop this purely commercial establishment.

Mesick-we have the ability to limit the number and to revoke permits with this local law.....in fairness to the community we need to do something. Even if it's not perfect.

Rappleyea-this boils down to our CEO and being able to get background to know exactly what's going on at these locations (Crestview issue). They are taking their time because it's a constitutional issue and they have a right to be heard.

Bobseine- Does the STR law come to a public hearing? Collins-Yes.

Someone suggested making Hartigan one way and Percy Hill one way

Someone said it was a terrible idea. Why are we doing this, we're trying to be reactive. He is vehemently against paving the dirt roads. Until those are fixed you're wasting money.

➤ Next meeting at highway garage

➤ **RESOLUTIONS:**

1. **Resolution#150-23: To Approve the Town Board Minutes.**

WHEREAS, the Chatham Town Board approves the Town Board Minutes for July 6, 2023 and July 20, 2023..

Offered by: Hallenbeck, seconded motion: Mesick

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

2. **Resolution#151-23: To Accept the Town Accountant's Financial Supervisor's Report.**

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➤ **MOTION TO CLOSE MEETING**

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WHEREAS, the Chatham Town Board accepts the Town Accountant's Financial Supervisor Report for July, 2023.

Offered by: Hallenbeck, seconded motion: Werwaiss

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

3. **Resolution#152-23: To Accept the Financial Abstract as presented to pay the Town Bills.**

WHEREAS, the Chatham Town Board accepts the Financial Abstract #8 as presented to pay the Town Bills.

Offered by: Hallenbeck, seconded motion: Mesick

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

4. **Resolution#153-23: To Revise the 284 Agreement**

WHEREAS, the Chatham Town Board and the Superintendent of Highways are required by Highway Law § 284 to enter into a written agreement stating the places and manner in which the Highway Fund appropriations for repairs and improvements are to be expended; and

WHEREAS, the Chatham Town Board and the Superintendent of Highways entered into such agreement on May 18, 2023, Resolution #115-23, and

WHEREAS, a revision is needed to said 284 Agreement due to additional road maintenance, and

THEREFORE, BE IT RESOLVED, that the Chatham Town Board hereby approves the revised 284 Agreement, submitted by the Highway Superintendent, to spend Town Highway Funds in 2023.

Offered by Pitkin

Seconded by Mesick

Werwaiss-wants to amend this resolution and remove Hartigan road from the list
Shaw- you don't need to amend, it's not on there just set it aside.

MOTION was made by Werwaiss to table, seconded by Hallenbeck and carried.

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5. **Resolution#154-23: To Set a Public Hearing for Local Law 7: Regulating Peddlers & Solicitors within the Town**

WHEREAS, The Town Board of the Town of Chatham has determined that it is necessary to amend the Peddling & Soliciting Regulations from Chapter 99 of the Town Code, and

WHEREAS, it is necessary for the Town to hold a public hearing to accept public comment prior to a vote to adopt the amendment, and

NOW THEREFORE IT IS HEREBY RESOLVED that the Town Board of the Town of Chatham hereby schedules the public hearing for September 21, 2023 at 6:35PM.

There is some fine tuning that needs to be done.

MOTION was made by Collins to table, seconded by Hallenbeck

Werwaiss wants to change “sex” to “gender”. Motion carried.

Highway Superintendent resignation:

Rappleyea had recommended that we wait to advertise for the highway superintendent vacancy until the position has actually been vacated. Collins, with all due respect, would like to advertise now to fill the position.

MOTION was made by Collins to advertise for a Highway Superintendent. Hallenbeck seconded. Motion carried..

PUBLIC COMMENT

Tim Mackerer reminded everyone about Park Day.

Welch-asked if the Board would have any oversight of the new highway superintendent. Rappleyea-No, that position is in statute.

Angus-Who is in charge when Jeff leaves? Ike Odell as per Collins.

Werwaiss intends to bring forward into next year the topic of an appointed highway superintendent as opposed to an elected one.

Mesick-It looks like an excellent way for a town board to politicize that position. It's super micro-management.

On a MOTION by Hallenbeck and second by Werwaiss and carried the meeting adjourned at 10:35PM

Respectfully submitted by,

Beth Anne Rippel, Town Clerk

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